

**Special Education Advisory Council
Cornhusker Hotel
November 19, 2009**

SEAC MEMBERS PRESENT: Brunzman, Busse, Davis, Ellis, Goodwin, Gordon, Grossnicklaus, Hall, Kanter, Kemp, Kimes, Maguire, McMullen, Mintken, Randels, Snyder, Steinwart, Thode, Weber

MEMBERS ABSENT: Bostic-Frederick, Mercer, Proskovec, Stahla, VanWassenhover, York

NDE STAFF PRESENT: Sherman, Kasl, Wierda, Foley, Huff, Dymacek

SEAC FACILITATOR: Bird

The meeting of the Special Education Advisory Council (SEAC) commenced at 9:00 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site and in the Journal Star.

INTRODUCTIONS

Members made introductions.

COUNCIL BUSINESS

Open Meetings Law

SEAC Council meetings are open meetings and the Open Meetings Law was posted on the back table.

Approval Of September 24, 2009 Minutes

Mary Gordon moved and Bethany Brunzman seconded a motion to approve the September 24, 2009, meeting minutes as submitted.

VOTE:	<i>Aye -</i>	Brunzman, Davis, Ellis, Goodwin, Gordon, Grossnicklaus, Hall, Kanter, Kemp, Kimes, McMullen, Mintken, Randels, Snyder, Steinwart
	<i>Nay -</i>	None
	<i>Abstain -</i>	Busse, Maguire, Thode, Weber
	<i>Absent -</i>	Bostic-Frederick, Mercer, Proskovec, Stahla, VanWassenhover, York

The motion carried.

Approval Of Agenda

The agenda for the day was reviewed and some suggested revisions were made. A motion to approve the agenda as amended was made by Karen Thode and seconded by Maggie Mintken.

VOTE: *Aye* - Brunsman, Busse, Davis, Ellis, Goodwin, Gordon,
 Grossnicklaus, Hall, Kanter, Kemp, Kimes, Maguire,
 McMullen, Mintken, Randels, Snyder, Steinwart, Thode,
 Weber
 Nay - None
 Abstain - None
 Absent - Bostic-Frederick, Mercer, Proskovec, Stahla,
 VanWassenhover, York

The motion carried.

Committee Assignments

Annie Bird spoke about the Committees that are in place under the Special Education Advisory Council. The list of Committees can be found in the SEAC Annual Report. Any SEAC member wanting to serve on a Committee should contact Annie about joining. It is preferred that each Committee have at least one SEAC representative.

2009-10 Meeting Dates

The meeting dates were reviewed with the two remaining meetings scheduled for January 21, 2010 and April 15, 2010. All will be held at the Cornhusker Hotel. New expense procedures were reviewed.

NOTICE OF CONFERENCES/MEETINGS

Transition Summit

The Transition Summit was held on November 12, 2009 in Kearney.

NECTAC

Part C personnel will present at the NECTAC conference in Washington D.C. on the role of PTI with the IDEA Part C (Infants/Toddlers) program.

SPECIAL EDUCATION LAW CONFERENCE

Kathy Grossnicklaus asked members who attended to share their thoughts on the Tri-State Special Education Law Conference. One comment shared was that the Team Teaching segment could have been expanded to share information about where this is working well. The conference was held in collaboration with Kansas and Iowa. Good information was provided and many national high profile speakers were present. The next Law Conference is scheduled for November 4 & 5, 2010 in Omaha.

IEP TECHNICAL ASSISTANCE DOCUMENT REVISION

Kathy Huff presented on revisions that are being made to the IEP Technical Assistance Document. A stakeholder group has been meeting to update the document. They had their final meeting and NDE staff will be finalizing the new document for use by providers and parents in the state. The new version will be posted on the Special Education website when it is completed in January. The next task will be to develop training materials to go with the document. Charlene Snyder felt that it would be helpful to schools if the state printed and distributed the document to school personnel. It was also suggested that the document be

distributed to higher education representatives to use in their classes. Kathy reported that translation of the document to Spanish has not been considered at this time. SEAC would like to have a copy at the next meeting. A draft copy will be e-mailed out to members so that they can provide feedback to Kathy if they choose.

SEAC RESPONSIBILITY

Beth Wierda presented on five key components of the special education system and shared how these items impact members of SEAC.

Improving Learning for Children with Disabilities - ILCD (Monitoring)

The new ICLD system allows districts to do a self assessment and becomes a learning experience for staff. The district files, forms, policies and procedure, and district performance data are all reviewed. Based on this information, the district develops an improvement plan in the areas that they determine need improvement and are encouraged to link their plans with general education. The system is a continuous four phase cycle that is designed to improve outcomes for children with disabilities. The new system makes it easier to pull out specific information that SEAC may request and can help to identify training needs.

State Performance Plan (SPP)

The federal Office of Special Education Programs (OSEP) implemented a required State Performance Plan (SPP) to be completed by each state every six years. The SPP is to identify how the state will implement IDEA and how they will measure improvement. The Plan must be reviewed every six years and is a roadmap for the state in implementing special education including compliance and improvement efforts. The indicators are considered as either for performance or compliance. A compliance indicator is tied to law and can be measured or documented. A performance indicator shows the level of performance such as a graduation rate. SEAC can help to define the targets and define resources that can be used. Nebraska will likely have a visit from OSEP next fall.

Annual Performance Report (APR)

OSEP requires that the States report each year on the progress being made on the indicators in the SPP. The states report improvement or slippage on the targets from the previous year, what activities the state did to work on those targets and the impact of the activities. Based on the APR, OSEP will classify each state's level of performance as "meets requirements", "needs assistance", "needs intervention" or "needs substantial intervention". The State reports can be aggregated and reported to Congress to show the impact of special education funding. The APR will show SEAC what has happened in the state over the previous year. This information will assist in the writing of SPP targets. Nebraska received a "Needs Assistance" determination for Part B and a "Meets Requirements" determination for Part C.

District Determinations

Just as OSEP reviews each state, the state must look at district data to analyze the performance of a district. The districts will fall into one of the categories as defined

above. District determinations are not reported to the public. The purpose of district determinations is to focus resources on those districts that need the most assistance. There are some enforcement procedures that must be implemented if a district has low performance and the required technical assistance increases as the performance decreases. If a district performance is poor for an extended period of time, the state is required to direct the use of funds or withhold funds in whole or in part. NDE is revising the process used for making district determinations. NDE will be moving to a system that takes into account all of the indicators instead of just a few. SEAC will be asked to look at the new rating system and how the points are applied. SEAC can also help to determine how to focus the resources to districts that are in greatest need.

Public Reporting

NDE must publicly report each district's progress in meeting the targets established by the state. Districts report in the areas of graduation, dropout, assessment, ChildFind, disproportionality, suspension/expulsion and others. The report must include the most recent data available. The state does not report any information that discloses personally identifiable information or where data is not statistically reliable. SEAC should be aware that this information is available and can be used to examine regional training needs within the state.

SEAC found the tables used in the presentation very helpful and requested that a copy be provided to each member.

DIRECTOR'S PHONE CALL

Lindy Foley spoke about the SPED director phone call that is held monthly. On the last working day of each month, the Special Education Office holds a phone conference with local special education directors. The hour phone call allows NDE to share timely information with the special education directors. Participants are able to e-mail in questions that are answered at the end of the call. Annie will request that SEAC members receive the e-mail announcement so they can join the call if they wish.

PUBLIC COMMENT

Lindy Foley shared that the Transition Summit was held the previous week with 175 people in attendance. The conference was for transition specialists, behavior specialists, interim program schools, and others. Discipline and behavior were covered among other topics. Maggie Mintken shared that it was a wonderful conference and provided helpful information for school districts. The conference is held every two years and consideration is being given to making the conference an annual event.

RESPONSE TO INTERVENTION

Rose Dymacek shared information from the Response to Intervention (RtI) committee. A Power Point handout was provided. RtI monitors a student's progress frequently to aid in the decisions about instruction. The goal of RtI is to provide interventions early to help close skill gaps, preventing failure later. Positive aspects of the system are that parents are a part of the process, there is less

labeling, a focus on strengths and increased integration. In 2004, IDEA allowed states to use RtI to verify students for Specific Learning Disabilities; however, RtI is a general education initiative to improve learning for all students. Nebraska joined a collaborative effort with UNL to develop an RtI process for the state. Essential elements of RtI are scientific research-based instruction, fidelity of instruction, universal screening, individual progress monitoring, service delivery decisions, intervention delivery, individual student progress monitoring, and parent engagement. A professional development plan was created and is being implemented around the state. Schools applied to receive training and 47 districts are in some phase of RtI training. Training topics and dates will be shared.

SPECIAL EDUCATION FUNDING UPDATE

Gary Sherman and Pete Biaggio reported on special education funding. A report prepared for the State Board of Education was distributed. Under state general funds allowable costs being reimbursed are residential services, preschool flex funding, school age programs and transportation, totaling over \$180 million. From the federal IDEA appropriation flow-through funds are made available to districts for programs and transportation (first priority being preschool), through IDEA Base Grants, IDEA Enrollment/Poverty Grants, IDEA ARRA Part B and Preschool Grants, all totaling over \$150 million. The one-time IDEA ARRA funds may be used for minor building modification and some districts are using dollars for ADA projects (ie. ramps, bathroom accessibility, etc.) NDE also receives state funds for programs for the deaf and hard of hearing and the blind and visually impaired. Funding for IDEA Part C (Infant and Toddler programs) totals \$2.6 million for state-wide initiatives. IDEA ARRA Part C provided an additional \$3 million. The Office of Special Education operations budget is funded with a combination of federal and state dollars. The State Special Legislative Session is not considering a reduction in special education reimbursement. However, state aid for regular education will be reduced along with NDE administration costs including the NDE Office of Special Education and D/HH and VI programs.

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT COMMITTEE

Alice Senseney distributed a 2008-2009 Final Report for the Comprehensive System of Personnel Development (CSPD) Committee. The Committee is responsible to provide funding for training to allow educators to better serve special education students who are in the inclusive environment. Teacher quality is one of the most significant influences on student achievement. Job embedded systems of professional development seems to work best. The focus of the annual CSPD conference this year will be to keep kids on track for graduation which begins in elementary school. The conference will be held April 21 & 22, 2010 in Lincoln. Cindi Ellis expressed interest in joining the committee.

LEGISLATIVE PROCESS

Gary Sherman shared information about the legislative process and SEAC. Any advice that SEAC wants to provide on proposed legislation would go to NDE and the State Board of Education for their consideration. The Board will decide whether to support a bill and may consider recommendations received from stakeholders. Individuals are welcome to testify on bills as they wish on their own behalf. Mary

Gordon from the DD Council will mail out legislative updates on specific bills to the members. The Nebraska Council of School Administrators does legislative updates regularly that can also be shared.

RESOLUTION OF DISPUTES

Annie Bird and Beth Wierda provided information about dispute resolution. In the case of a dispute, families and districts can work with NDE staff on strategies to resolve the issue. Other options available through law/regulation are mediation (through the six state Mediation Centers), filing a written complaint (with NDE Office of Special Education), and due process (impartial hearing officer). A complaint must show a violation of a regulation. Attorneys are not required for due process cases but are usually involved. Margaret Worth from the NDE legal office will present at the next meeting on recent cases that have been filed in Nebraska.

I AM TYLER VIDEO

A video titled, "I Am Tyler" was shared with the Council.

ADJOURN

The meeting adjourned at 3:40 p.m.